REMARKS

This paper is responsive to the Office Action of January 23, 2008. Applicants respectfully traverse all rejections of the Examiner. Reconsideration and further examination is respectfully requested.

The present claim amendments clarify and more precisely claim the present invention. Support for the present claim amendments is found throughout the Specification as originally filed. For example, support for the present claim amendments is shown in Fig. 1, and found in lines 2-3 on page 7, lines 9-12 on page 10, and from line 21 on page 10 through line 3 on page 11 of the Specification. No new matter has been added.

The Examiner objected to the size of the Abstract of the Disclosure. A substitute Abstract of the Disclosure meeting the word count limit is appended hereto.

Claims 1, 7-8 and 14 stand rejected for anticipation under 35 U.S.C. 102 based on U.S. patent number 7,283,541 ("Michelson"). Applicants respectfully traverse this rejection.

Michelson discloses a method for reducing latency of VoIP communications while efficiently using network resources and maintaining voice quality. Michelson teaches managing packet size on a per-call basis, using factors such as distance between gateways, current backbone network status, service requested or access mechanism for a given call is disclosed. Packet size is selected in Michelson on a per-call basis based on the distance between endpoints in the call.

Nowhere in Michelson is there disclosed or suggested a method for providing voice communications over a packet-based data communication network, comprising:

receiving a call request;

> ***determining whether the requested call would span a gateway connecting a local network to an external network***; and
> ***in response to a determination that the requested call would not span the gateway connecting the local network to the external network, increasing a size of packets used in the call***. (emphasis added)

as in the present independent claim 1. In contrast, Michelson describes a system in which a distance determination (column 6 lines 43-46) is made based on geographic location (e.g. using vertical and horizontal coordinates in column 4, lines 49-51 and in column 6 lines 54-65), and other distance determination techniques (lines 7-41 in column 7), or on measured delay (column 7, lines 56-65). Nothing in Michelson discloses or suggests any technique for determining whether a requested call would span a gateway connecting a local network to an external network and increasing a size of packets used in the call in response to a determination that the requested call would not span the gateway connecting the local network to the external network, as in the present independent claims.

For the reasons stated above, Applicants respectfully urge that Michelson does not disclose all the features of the present independent claims. Accordingly, Michelson does not anticipate claims 1 and 8 under 35 U.S.C. 102. As to dependent claim 7 and 14, they depend from claims 1 and 8, and are respectfully believed to be patentable over Michelson for at least the same reasons.

Claims 2-5 and 9-12 stand rejected for obviousness under 35 U.S.C. 103 based on the combination of Michelson with U.S. patent application publication 2003/021904 ("Kotabe") and U.S. patent 6,912,232 ("Duffield"). As discussed above with reference to the rejections under 35 U.S.C. 102, Michelson does not disclose or suggest the present independent claims. Adding the disclosures of Kotabe and Duffield to those of Michelson fails to remedy the shortcomings of

Michelson. In contrast, Kotabe discloses a packet communication apparatus using a timer for always completing the transmission of a received packet within a delay assurance time length, while Duffield discloses a Virtual Private Network (VPN) in a network that offers a simple user interface for efficient utilization of network resources including a "hose" defined for a specified set of endpoints of the VPN. The combination of Michelson, Kotabe and Duffield fails to disclose or suggest any technique for determining whether a requested call would span a gateway connecting a local network to an external network and increasing a size of packets used in the call in response to a determination that the requested call would not span the gateway connecting the local network to the external network, as in the present independent claims.

Accordingly, the combination of Michelson with Kotabe and Duffield fails to disclose or suggest all the features of the present independent claims 1 and 8, from which claims 2-5 and 9-12 depend. The combination of Michelson with Kotabe and Duffield therefore does not support a *prima facie* case of obviousness with regard to independent claims 1 and 8, and claims 2-5 and 9-12 are respectfully believed to be patentable over the combined references for at least the same reasons.

For the above reasons, Applicants respectfully request that the rejections based on Michelson, Kotabe and Duffield be withdrawn. This application is now considered to be in condition for allowance and such action is earnestly solicited.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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